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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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10 MARY WILKINS,)
11 Plaintiff,)
12 v.) Case No.: 2:13-cv-00918-JCM-PAL
13 CAROLYN W. COLVIN¹,)
Acting Commissioner of Social Security,)
14 Defendant.)
15)
16)

17 **UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO**
RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT
(Second Request)

18 Defendant Carolyn W. Colvin, Acting Commissioner of Social Security (Commissioner), by
19 and through her counsel, requests that this Court extend the time for Defendant to respond to
20 Plaintiff's First Amended Complaint. This is Defendant's second request for an extension of time.
21 Defendant's current deadline is December 5, 2013.

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24 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.
Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be
25 substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C.
26 § 405(g).

1 The instant extension is not being requested to unduly delay this case. Rather, the extension is
2 necessary because the Office of Disability Adjudication and Review has not yet compiled the
3 Administrative Record. The Administrative Record has not been compiled because the Appeals
4 Council must first determine whether the agency will find good cause to extend the time for Plaintiff
5 to seek judicial review of the Commissioner's final decision on her disability claim. This
6 determination is necessary so that the agency may determine how to respond to the First Amended
7 Complaint.

8 Plaintiff attached her Complaint to her Motion for Leave to Proceed in forma pauperis on May
9 23, 2013 (Dkt. 1-1), which exceeded the time for filing an action for judicial review of the agency's
10 decision. *See Order*, Dkt. 5 at 1:17-20. The Appeals Council is examining the reasons that Plaintiff
11 stated in her First Amended Complaint for her delay in seeking judicial review (Dkt. 4). Defendant
12 will file a response to the First Amended Complaint as soon as possible after receiving notice of the
13 agency's position on whether good cause exists to excuse Plaintiff's late filing, and if appropriate, the
14 Administrative Record is compiled.

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1 Agency counsel for Defendant contacted Plaintiff by telephone on December 4, 2013, and
2 Plaintiff agreed to an additional 30-day extension. Agency counsel provided Plaintiff with her direct
3 telephone number in the event that Plaintiff has any questions or concerns about the status of her case.
4 It is therefore respectfully requested that the Court grant Defendant a thirty (30) day extension of time
5 to file an appropriate pleading in response to the First Amended Complaint, up to and including
6 January 4, 2014.

7 Respectfully submitted this 4th day of December 2013.

8 DANIEL G. BOGDEN
9 United States Attorney

10 */s/ Blaine T. Welsh*
11 BLAINE T. WELSH
12 Acting United States Attorney

13 OF COUNSEL
DONNA L. CALVERT
14 Acting Regional Chief Counsel

15 ELLINOR R. CODER
Assistant Regional Counsel
Social Security Administration

16 IT IS SO ORDERED:
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20 UNITED STATES DISTRICT JUDGE
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: December 6, 2013